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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,106	09/26/2003	Rami Caspi	2003P08211US	7727
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830				
EXAMINER LEE, JUSTIN YE				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
10/29/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/672,106

**Applicant(s)**

CASPI ET AL.

**Examiner**

Justin Y. Lee

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to amendment filed on 8/24/09.

***Claim Objections***

2. Claims 1, 9 and 14 are objected to because of the following informalities: The consequent "positioning information" in the independent claims should be changed to "the positioning information". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 9 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "restarts the timer" is not disclosed in the Specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the plurality of availability rules" in the last limitation of claim 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4-8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, JR. (U.S. 2001/0042849 A1) in view of Silver et al. (US 20070082668 A1, hereinafter, Silver).

As to claim 1, Jones discloses:

A telecommunications device (20), comprising:

a positioning controller (GPS 22) adapted to determine positioning information for said telecommunications device (paragraph 19), wherein the positioning information generally corresponds to a locations of a user of the telecommunication device (paragraph 24); and

a wireless communications controller (24) adapted to receive said positioning information from said positioning controller and cause an audible alarm ("speaker or buzzer" - paragraph 24) to be generated if said telecommunications device is determined to be out of a first predetermined geographic range (paragraph 19, 23);

wherein said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device (server 40 or endpoint 60) for updating only when a timer expires (paragraph 3, 5 and 22, updated is transmitted when periodically) or

in response to a request from the administration device (paragraph 27, the endpoint 60 can request the location information of the device 20),

wherein the timer resets and restarts after transmitting positioning information (paragraph 3, 5 and 22, since location information is transmitted periodically so the timer for the transmission must be reset so the device 20 knows when to transmit the location information again).

Jones also disclose a presence controller for defining one or more availability rules of the device depending on a position condition of the telecommunications device (abstract).

Jones does not disclose a presence controller containing a plurality of availability rules defined by a user, the availability rules indicate availability of and how to contact the user of the telecommunications device, wherein an appropriate availability rule of the plurality of availability rules is selected depending on a position condition based on the positioning information of the telecommunications device.

Silver further discloses a presence controller (presence server 100 or customer profile 112) containing a plurality of availability rules defined by a user, the availability rules indicate availability of and how to contact the user of the telecommunications device, wherein an appropriate availability rule of the plurality of availability rules is selected depending on a position condition based on the positioning information of the telecommunications device (Fig. 4-7 and paragraph 19, 33-34 and 40, user can define where to route the call when the user is at a specific location and the call will be routed according to the user's location).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the call routing of Silver into the position monitoring of Jones for the purposes of automatically directing calls based on user's location so that the user can always be contacted.

As to claim 4, Jones and Silver teach everything as applied in claim 1 and Jones also discloses:

positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (paragraph 24).

As to claim 5, Jones and Silver teach everything as applied in claims 1 and 4 and Jones also discloses:

said wireless communications controller is a cellular telephone controller (paragraph 19).

As to claim 6, Jones and Silver teach everything as applied in claims 1 and 4 and Jones also discloses:

said wireless communications controller is a personal communications service (PCS) controller (paragraph 19).

As to claim 7, Jones and Silver teach everything as applied in claim 1 and Jones also discloses:

said position condition includes a geographic, date, daily routine, speed or and time-of-day ranges or a combination thereof (paragraph 20).

As to claim 8, Jones and Silver teach everything as applied in claim 1 and Jones also discloses:

said positioning controller is adapted to receive predetermined range information via said wireless communications controller (paragraph 23).

9. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, JR. (U.S. 2001/0042849 A1) in view of Camhi (US 6,762,684) and further in view of Silver et al. (US 20070082668 A1, hereinafter, Silver).

As to claim 9, Jones discloses:

A telecommunications system (Figure 1), comprising:

a wireless device (20) including a positioning controller (22) and a communications controller (24),

wherein the positioning controller is adapted to determine positioning information for said wireless device which generally corresponds to a location of a user of the wireless device (paragraph 24),

said wireless device adapted to cause an audible warning to be generated if said wireless device is determined to be outside a first predetermined geographic range (paragraph 19, 23); and

an administrative device (server 40 or endpoint 60) for receiving alerts from said wireless communication device via said communications controller when said positioning controller determines that said wireless device is outside said first predetermined geographic range (paragraph 24);

availability of the user including being independent of the wireless device (abstract, the system reports the wearer of a wireless communications device is unavailable within the predetermined location); and

wherein said positioning controller sends an alert in response to a request from the administrative device (paragraph 27); and

wherein said communications controller is adapted to cause positioning information to be transmitted to the administrative device for updating after expiration of a timer, wherein the timer resets and restarts after transmitting positioning information (paragraph 3, 5 and 22, updated is transmitted when periodically and since location information is transmitted periodically so the timer for the transmission must be reset so the device 20 knows when to transmit the location information again).



However, Jones fails to disclose determining that said wireless device is outside said first predetermined geographic range for longer than a predetermined period or is outside said first predetermined geographic range and a second predetermined geographic range and after said audible warning has been generated, but wherein said positioning controller does not send an alert if said wireless device returns to said first predetermined geographic range within the predetermined period.

In a similar field of endeavor, Camhi discloses a system where upon detecting that the subject is beyond his permitted geographic confines, the processor may implement the annunciator to provide an audible or visual warning to the subject followed by a communication of such out of boundary condition to the central station, in the event the subject does not correct the out of boundary condition within a specified time interval (see column 5, lines 14-23), which reads on the claimed, "said wireless controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunication device is determined to be outside Said first predetermined geographic range for longer than a predetermined period after said audible alarm has been generated."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Jones with Camhi to include the above delay before reporting the out of boundary condition in order to allow the subject a chance to correct the condition as suggested by Camhi (see column 5, lines 14-23).

Jones also disclose a presence controller for defining one or more availability rules of the device depending on a position condition of the telecommunications device (abstract).

Jones and Camhi do not disclose a presence system containing one or more availability rules defined by the user, the availability rules indicate availability of and how to contact the user of the wireless device, wherein an appropriate availability rule of the plurality of availability rules is selected depending on a position condition based on the positioning information of the wireless device, wherein availability rules includes availability via a medium separate from the wireless device.

Silver further discloses a presence system containing one or more availability rules defined by the user, the availability rules indicate availability of and how to contact the user of the wireless device, wherein an appropriate availability rule of the plurality of availability rules is selected depending on a position condition based on the positioning information of the wireless device, wherein availability rules includes availability via a medium separate from the wireless device (Fig. 4-7 and paragraph 19, 33-34 and 40, user can define where to route the call when the user is at a specific location and the call will be routed according to the user's location and Fig. 1, the rules are stored in the customer profile 112 not in the wireless device 104).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the call routing of Silver into the position

monitoring of Jones and Camhi for the purposes of automatically directing calls based on user's location so that the user can always be contacted.

As to claim 10, Jones and Camhi and Silver teach everything as applied in claim 9 and Jones further discloses:

said positioning controller receives global positioning network signals for determining a position of said wireless communications device (paragraph 24).

As to claim 11, Jones and Camhi and Silver teach everything as applied in claims 9-10 and Jones further discloses:

said communications controller comprises a cellular network controller for transmitting on a cellular telephone network to said administrative device (paragraph 19).

As to claim 14, Jones discloses:

A telecommunications method (paragraph 2), comprising:

providing a wireless device (20) which includes a positioning controller (GPS 22) adapted to determine positioning information for said wireless device (paragraph 19),\

wherein the position information generally corresponds to a location of a user of the wireless device (paragraph 24); and

programming said wireless device to be in a first predetermined geographic range (paragraph 19);

generating an audible warning if said wireless device is determined to be outside said first predetermined geographic range (paragraph 24); and

transmitting one or more alerting signals to an administrative device (server 40 or endpoint 60) when said wireless device is determined to be outside said first predetermined geographic range (paragraph 24);

causing to transmit positioning information to the administrative device by the positioning controller for updating after an expiration of a timer or in response to a request from the administration device, wherein the timer resets and restarts after transmitting positioning information (paragraph 3, 5 and 22, updated is transmitted when periodically and since location information is transmitted periodically so the timer for the transmission must be reset so the device 20 knows when to transmit the location information again and paragraph 27, the endpoint 60 can request the location information of the device 20).

However, Jones fails to disclose said wireless device is determined to be outside said first predetermined geographic range for longer than a predetermined period after said audible warning has been generated. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Camhi.

In a similar field of endeavor, Camhi discloses a system where upon detecting that the subject is beyond his permitted geographic confines, the processor may implement the annunciator to provide an audible or visual warning to the subject followed by a communication of such out of boundary condition to the central station, in

the event the subject does not correct the out of boundary condition within a specified time interval (see column 5, lines 14-23), which reads on the claimed, "said wireless controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunication device is determined to be outside said first predetermined geographic range for longer than a predetermined period after said audible alarm has been generated."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Jones with Camhi to include the above delay before reporting the out of boundary condition in order to allow the subject a chance to correct the condition as suggested by Camhi (see column 5, lines 14-23).

Jones also disclose a presence controller for defining one or more availability rules of the device depending on a position condition of the telecommunications device (abstract).

Jones and Camhi do not disclose programming a presence system with one or more availability rules defined by the user of the wireless device, the availability rules indicate availability of and how to contact the user of the wireless device including via telecommunications devices other than the wireless device, wherein the appropriate availability rule of the plurality of availability rules is selected depending on the positioning information.

Silver further discloses programming a presence system with one or more availability rules defined by the user of the wireless device, the availability rules indicate availability of and how to contact the user of the wireless device including via

telecommunications devices other than the wireless device, wherein the appropriate availability rule of the plurality of availability rules is selected depending on the positioning information (Fig. 4-7 and paragraph 19, 33-34 and 40, user can define where to route the call when the user is at a specific location and the call will be routed according to the user's location and Fig. 1, the rules are stored in the customer profile 112 not in the wireless device 104).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the call routing of Silver into the position monitoring of Jones and Camhi for the purposes of automatically directing calls based on user's location so that the user can always be contacted.

10. Claims 3, 12, 13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Camhi and Silver et al. (US 20070082668 A1, hereinafter, Silver) as applied to claims 1 and 14 above, and further in view of Chaco (U.S. 7,034,690 B2).

As to claim 3, Jones and Silver teach everything as applied in claim 1; however, neither Jones nor Silver fail to disclose said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside a second predetermined geographic range. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Chaco.

In an analogous art, Chaco teaches said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside a second predetermined geographic range (column 8, lines 59-67; column 9, lines 8-i0).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunications device and wireless communications controller, taught by Jones and Silver, said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside a second predetermined geographic range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected

11. Claims 12, 13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Camhi and Silver et al. (US 20070082668 A1, hereinafter, Silver) as applied to claims 9 and 14 above, and further in view of Chaco (U.S. 7,034,690 B2).

As to claim 12, Jones and Camhi and Silver teach everything as applied in claim 9 above; however, neither Jones nor Camhi and Silver teach teaches said administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range. The Examiner

contends this feature was old and well known in the art at the time of invention as taught by Chaco.

Chaco also teaches said administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range (column 4, lines 28-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system and administrative device, taught by Jones and Camhi and Silver said administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected.

As to claim 13, Jones and Camhi and Silver teach everything as applied in claim 9 above and Chaco teach everything as applied in claim 12 and Jones further discloses:

said predetermined range is associated with one or more of a geographic range, time-of-day range, daily routine, or date range (paragraph 20).

As to claim 16, Jones and Camhi and Silver teach everything as applied in claim 14; however, neither Jones nor Camhi and Silver fail to disclose transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Chaco.



In an analogous art, Chaco teaches transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range (column 8, lines 59-67; column 9, lines 8-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, taught by Jones and Camhi and Silver., transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected.

As to claim 17, Jones and Camhi and Silver teach everything as applied in claim 14 and Chaco teaches everything as applied in Claim 16 and Jones further discloses: said administrative device comprises a telephony device (paragraph 17).

As to claim 18, Jones and Camhi and Silver teach everything as applied in claim 14 and Chaco teaches everything as applied in claim 16 and Jones further discloses: said one or more alerting signals comprise one or more e-mail signals (paragraph 25).

As to claim 19, Jones and Camhi and Silver. teach everything as applied in claim 14 and Chaco teaches everything as applied in claim 16 and Jones further discloses: said one or more alerting signals comprise one or more Instant Messaging signals (paragraph 25).

As to claim 20, Jones and Camhi and Silver teach everything as applied in claim 14 and Chaco teaches everything as applied in claim 16 and Jones further discloses:

said position condition is associated with at least one of geographic range, daily routine, time-of-day range, speed range or date range (paragraph 20).

### ***Response to Arguments***

12. Applicant's arguments filed 8/24/09 have been fully considered but they are not persuasive.

Applicant argues on the newly amended limitations, such as "restarting the timer" is not taught in the cited art.

In response to Applicant's assertions, the argument on the newly amended limitations are now addressed in the rejections of the current Office Actions.

Applicant argues on the combination of Jones, Camhi and Silver using the KSR.

In response to Applicant's assertions, the Examiner does not use the KSR for the combination of Jones, Camhi and Silver. KSR is one option for making a U.S.C. 103 rejection, but is not the only way. The Examiner uses the U.S.C. 103 rejection method that has been used before the KSR.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - Thu 9:30 to 8:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin Y Lee/  
Examiner, Art Unit 2617  
10/22/09

/Patrick N. Edouard/  
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